

1 BILL NO. S-86-08-07

SPECIAL ORDINANCE NO. S- Withdrawn

2 AN ORDINANCE of the Common Council
3 of the City of Fort Wayne, Indiana,
4 approving the transfer and disposi-
5 tion of real estate owned by the
6 City.

7 WITNESSETH:

8 WHEREAS, the Board of Public Works and Safety ("Board")
9 has advertised its intentions to sell real estate located near
10 the west bank of the St. Joseph River in what was previously
11 referred to as Robison Park. Such real estate is described on
12 the attached Exhibit A, made a part hereof;

13 WHEREAS, a public hearing has been held and a bid has
14 been received from Patrick Bruggeman for Twenty-Five Thousand
15 and No/100 Dollars (\$25,000.00);

16 WHEREAS, the Board has determined that the highest
17 and best bid is that of Patrick Bruggeman and, indeed, that was
18 the only bid received in a timely fashion;

19 WHEREAS, the Board has awarded and agreed to sell such
20 real estate to said Patrick Bruggeman;

21 WHEREAS, the sale of the real estate will facilitate
22 residential development within the corporate City limits so as
23 to increase the City's tax base and to otherwise benefit the
24 residents of this City;

25 WHEREAS, the transfer of the real estate by the City,
26 shall be subject to certain conditions as herein indicated;

27 WHEREAS, the City and the proposed Purchaser have worked
28 together with the Rivergreenway Consortium and the Fort Wayne
29 Parks and Recreation Department, so as to provide dedicated property
30 back to the Fort Wayne Parks and Recreation Department, such
31 as construction of a bike path;

32 WHEREAS, agreements and covenants have been reached
as to the proposed use of the real estate; and

1 Page Two

2 WHEREAS, State law requires Council approval before
3 such real estate shall be transferred.

4 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
5 OF THE CITY OF FORT WAYNE, INDIANA:

6 SECTION 1. Council approval is hereby given for the
7 City to transfer the real estate as herein described (Exhibit
8 A), to Patrick Bruggeman, for the cash purchase price of Twenty-
9 Five Thousand and No/100 Dollars (\$25,000.00) and the Mayor and
10 members of the Board are hereby empowered and authorized to execute
11 all documents associated with same so that such transfer can
12 be accomplished.

13 SECTION 2. Such transfer shall provide for and shall
14 be subject to the following benefits and protections for the
15 City of Fort Wayne and its citizens:

16 A. That the Developer, following acceptance
17 of legal title to the City of Fort
18 Wayne's real estate, will in a timely
19 fashion have prepared a legal descrip-
20 tion of an approximate 100 ft. parcel
21 of land, within this acquired tract,
22 and along the western edge of the
23 St. Joseph River, excepting any portion
24 within Section I of the Robison Park
25 Subdivision and as more fully described
26 in "Attachment A" hereto. Further,
27 the Developer will deed this newly
28 defined parcel to the Parks Department
29 along with mutually agreeable and
30 appropriate restrictions and covenants
31 that it be used only for purposes
32 setforth in the Rivergreenway Plan.

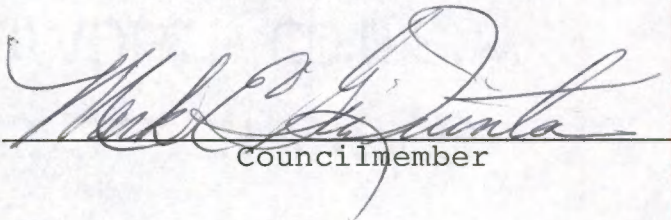
1 Page Three

- 2 B. That the Developer will construct
3 a bicycle path on portions of this
4 100 ft. parcel and on an easement,
5 which it will grant to the Parks
6 Department, and which is more fully
7 described in "Attachment B". Said
8 bicycle part to be constructed as
9 the respective sections of Robison
10 Park are developed.
- 11 C. That the Developer will obtain all
12 necessary zoning and land permits
13 and approvals;
- 14 D. Developer shall stabilize the river
15 bank to prevent erosion;
- 16 E. That the Developer agrees to indemnify
17 and hold harmless the City regarding
18 the development of river front lots;
- 19 F. Developer agrees that no structures
20 will be located in the flood plain;
- 21 G. The transfer shall be subject to
22 all existing easements and additional
23 easements, as required;
- 24 H. Developer agrees to provide for a
25 30 foot building setback line from
26 the centerline of the sewer easement
27 for river front lots;
- 28 I. The Developer shall meet all other
29 requirements as mandated by all other
30 government entities, commissions
31 and departments; and
32

Page Four

J. The Developer agrees that in the event that construction is not commenced in the development within two (2) years from the date of transfer, that all property, as herein conveyed by the City, shall revert to the City.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY

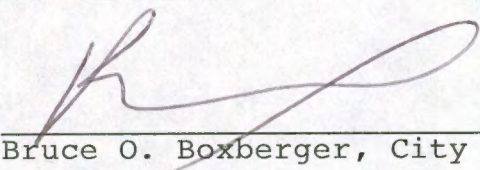

Bruce O. Boxberger, City Attorney

EXHIBIT "A"

Tract "A" being a marginal strip of land along the west bank of the St. Joseph River in Robison Park.

Beginning at the northeast corner of Bequettes Land as located in the first division of the Richardville Reservation in township 31 north, range 13 east; thence west along said north line of said Bequettes Land to a point 114.9 feet east of the west right-of-way line of the Indiana Service Corporation; thence by deflection angle to the right 115 degrees and 47 minutes a distance of 587.19 feet; thence by deflection angle to the right 28 degrees, 10 minutes and 30 seconds a distance of 524.69 feet; thence by deflection angle to the right of 89 degrees 20 minutes and 30 seconds a distance of 460 feet; thence by deflection angle to the left 39 degrees, 15 minutes a distance of 455 feet; thence by deflection angle to the right of 89 degrees, 20 minutes and 30 seconds a distance of 278 feet; thence by deflection angle to the left of 69 degrees, 52 minutes and 42 seconds a distance of 395.24 feet; thence by deflection angle to the left of 24 degrees, 37 minutes and 18 seconds a distance of 256.65 feet; thence by deflection angle to the left 27 degrees 37 minutes and 25 seconds a distance of 223.78 feet; thence by deflection angle to the left 24 degrees 4 minutes 55 seconds a distance of 351.15 feet; thence by deflection angle to the left 46 degrees, 51 minutes and 42 seconds a distance of 232.12 feet; thence by deflection angle to the left 33 degrees, 18 minutes and 28 seconds a distance of 173.45 feet; thence by deflection angle to the left 14 degrees and 44 minutes a distance of 339.4 feet; thence by deflection angle to the left 55 degrees and 11 minutes a distance of 385.9 feet; thence by deflection angle to the right 52 degrees a distance of 619.05 feet; thence by deflection angle to the right 10 degrees, 10 minutes and 30 seconds a distance of 337.86 feet; thence by deflection angle to the right 6 degrees, 11 minutes and 50 seconds a distance of 1031.39 feet; thence by deflection angle to the right 7 degrees 39 minutes and 40 seconds a distance of 493.3 feet to a point which is 20 feet east of the center line of the High Tension Tower Line as now established; thence by deflection angle to the right 26 degrees and 24 minutes, a distance of 270.81 feet parallel to said tower line; thence by deflection angle to the left 80 degrees a distance of 414.43 feet; thence by deflection angle to the right 91 degrees and 9 minutes a distance of 402.53 feet; thence by deflection angle to the right 65 degrees and 37 minutes a distance of 394.29 feet to a point which is 20 feet east of the center line of the said High Tension Tower Line; thence by deflection angle to the left 45 degrees, 37 minutes and 30 seconds a distance of 351.14 feet parallel to said tower line; thence by deflection angle to the left 76 degrees a distance of 643.58 feet; thence by deflection angle to the right 36 degrees a distance of 260 feet; thence by deflection angle to the right 70 degrees, 51 minutes and 30 seconds a distance of 250.8 feet; thence by deflection angle to the right 36 degrees 5 minutes and 30 seconds a distance of 236.27 feet; thence by deflection angle to the right 26 degrees and 33 minutes a distance of 597.74 feet to a point which is 80 feet northwesterly of the center line of said tower line; thence by deflection angle to the left 109 degrees, 11 minutes and 53 seconds a distance of 442.32 feet; thence by deflection angle to the right 73 degrees 37 minutes and 53 seconds a distance of 482.28 feet; to a point which is 20 feet west of the center line of the west Tower Line as now established; thence by deflection angle to the right 87 degrees and 20 minutes a distance of 451.51 feet parallel to said tower line; thence by deflection angle to the

left 88 degrees 21 minutes and 30 seconds a distance of 484.61 feet to a point in the east line of the Indiana Service Corporation property; thence by deflection angle to the right 38 degrees and 32 minutes a distance of 700 feet along the east line of the Indiana Service Corporation property; thence by deflection angle to the right 90 degrees 1 minute and 30 seconds a distance of 400 feet along said east line to a stone corner; thence on said line produced to the thread of the St. Joseph River; thence along the meanderings of said thread of the St. Joseph River in a southwesterly direction to the place of beginning containing 75 acres, more or less.

Tract "E" being a roadway from land conveyed in Tract "A" hereof to the east line of section 7, township 31 north range 13 east more particularly described as follows, to-wit:

Beginning at the point in the east line of section 7, township 31 north range 13 east 933.4 feet north of the north line of Richardville Reservation; thence north along the east line of said section 7 a distance of 50.3 feet; thence by deflection angle to the right 96 degrees, 13 minutes and 30 seconds a distance of 1123.7 feet; thence by deflection angle to the right 49 degrees, 48 minutes and 50 seconds a distance of 65.45 feet; thence by deflection angle to the right 130 degrees 11 minutes and 10 seconds a distance of 1161.49 feet to the place of beginning.

Read the first time in full and on motion by Mr. Quanta, seconded by Mr. Stur, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S

DATE: 8-12-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

(Handwritten: 0 up drawn)

DATE: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

PATRICK J. BRUGGEMAN
P. O. BOX 11529
FORT WAYNE, INDIANA 46859

September 2, 1986

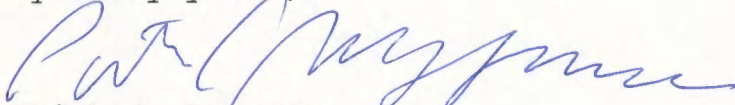
Board of Public Works & Safety
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Ms. Simon:

I hereby request that my bid for "Tract A", being a marginal strip of land along the west bank of the St. Joe River" and "Tract E", being a roadway" as advertised on 6/02/86 for sale by the Board of Public Works, be withdrawn and the consideration, therefore, be returned to me.

As the days and years go by and more homes depart the city, and more city teachers are laid off and the tax base shrinks to where we cannot pay the few left what they deserve, Councilman Bradbury may have a change of heart and treat whatever developer I can find willing to venture into the City with as much consideration as publicity stunts from the County.

Very truly yours,



Patrick J. Bruggeman

PJB:jal

PATRICK J. BRUGGEMAN
P. O. BOX 11529
FORT WAYNE, INDIANA 46859

September 2, 1986

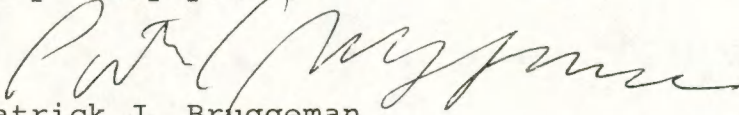
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Patrick J. Bruggeman

PJB:jal

BILL NO. S-86-08-07

Held Sept-2

REPORT OF THE COMMITTEE ON (COMMITTEE OF THE WHOLE)
PUBLIC RELATIONS

WE, YOUR COMMITTEE ON (COMMITTEE OF THE WHOLE)
PUBLIC RELATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~XXXXXXXXXXXX~~ (RESOLUTION) of the Common Council of the
City of Fort Wayne, Indiana, approving the transfer and disposition of
real estate owned by the City

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
~~(RESOLUTION)~~ *withhold*

YES

NO

JAMES S. STIER
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

BEN A. EISBART

CHARLES B. REDD

DONALD J. SCHMIDT

THOMAS C. HENRY

MARK E. GIAQUINTA

PAUL M. BURNS

SAMUEL J. TALARICO

CONCURRED IN *9-9-86*

SANDRA E. KENNEDY
CITY CLERK